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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,923	11/04/2003	Hiroki Fukuda	00862.023318	3880
5514	7590	09/08/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WILLS, LAWRENCE E	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			09/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/699,923	FUKUDA, HIROKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	LAWRENCE E. WILLS	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 May 2008.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,7,9-12,14,15,17-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,7,9-12,14,15,17-19 and 21-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed 5/29/2008 have been fully considered but they are not persuasive. Applicant argues on page 13, lines 5-22, that "Minari neither discloses nor suggests all of the features of Claims 1, 21 and 25. Specifically, Minari fails to disclose or suggest at least a driver information acquisition step of acquiring driver information from the job log information acquired in an acquisition step, in which the driver information identifies a driver which generates the issued job, and a determination step of determining whether to record or accumulate the job log information acquired in the acquisition step, in accordance with the driver information acquired in the driver information acquisition step. However, Minari neither discloses nor suggests acquiring driver information from job log information, in which the driver information identifies a driver which generates the issued job, and determining whether to record or accumulate the job log information, in accordance with the driver information."

However, Minari'831 does teach acquiring driver information (print processing program, Fig. 6) from job log information (print job object, Fig. 5), in which the driver information identifies a driver which generates the issued job (print job processing program for instructing the print output column 4, lines 27-32), and determining whether to record or accumulate the job log information, in accordance with the driver information (S902 Fig. 9)."

Applicant argues on page 14, line 20-page 15, line 10 that "Applicant respectfully submits that Minari neither discloses nor suggests all of the features of Claims 2, 22 and 26. Specifically, Minari fails to disclose or suggest at least a port information acquisition

step of acquiring port information from the job log information acquired in the acquisition step, and a determination step of determining whether to record or accumulate the job log information acquired in the acquisition step, in accordance with the port information acquired in the port information acquisition step. However, Minari neither discloses nor suggests acquiring port information from the job log information, and determining whether to record or accumulate the job log information in accordance with the port information.”

However, Minari'831 does teach a port information acquisition step (S1001, Fig. 10) of acquiring port information (“origin of request” and “request address” column 4, line 34) from the job log information (print job object, Fig. 5) acquired in the acquisition step, and a determination step (S1002, Fig. 10) of determining whether to record or accumulate the job log information acquired in the acquisition step, in accordance with the port information acquired in the port information acquisition step (S1002 it determines whether or not the print job attributes match the attributes of the printer, column 6, lines 25-30)

Applicant argues on page 16, lines 12-17 that “However, Minari neither discloses nor suggests an output destination determination step of determining whether the output destination of the job corresponding to the job log information is the information processing apparatus or the image forming apparatus and a determination step of determining whether to record or accumulate the job log information acquired in the acquisition step, in accordance with the result of determination in the output destination determination step, as featured in Claim 27.”

However, Minari'831 does teach an output destination determination step (S1001, Fig. 10) of determining whether the output destination of the job ("request address" column 4, line 34) corresponding to the job log information (print job object, Fig. 5) is the information processing apparatus or the image forming apparatus (S1007, Fig. 10) and a determination step of determining whether to record or accumulate the job log information acquired in the acquisition step, in accordance with the result of determination in the output destination determination step (S1002 Fig. 10, further it determines whether or not the print job attributes match the attributes of the printer, column 6, lines 25-30)

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 7, 9-12, 14, 15, 17-19, 21-26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Minari (US Patent 6,809,831).

Regarding claims 1, 21, and 25, Minari' 831 teaches an information processing server (number 1704, Fig. 17, column 9, lines 38-39) which records or accumulates job log information on a job issued to an image forming apparatus from an information processing client (number 1701, Fig.17) connected to a network (number 1705, Fig. 17), comprising:

an acquisition unit (number 402, Fig. 4,) configured to acquire means for acquiring the job log information (print job object, Fig. 5) from the information processing client or the image forming apparatus (print job receiver receives a print job object from host computer, column 3, lines 66-67);

a driver information acquisition unit (number 407/408, Fig. 4) for acquiring driver information (print processing program, Fig. 6) from job log information (print job object, Fig. 5) acquired from the acquisition unit, in which the driver information identifies a driver which generates the issued job (print job processing program for instructing the print output column 4, lines 27-32);

a determination unit (number 403, Fig. 4) configured to determine whether to record the job log information acquired by said acquisition unit, in accordance with a driver (number 204, Fig. 2) which generates data of the issued job, (print job executor analyzes and processes the print job column 4, lines 1-5);

and a recording/accumulation unit configured to record or accumulate the job log information determined by said determination unit to be recorded or accumulated (print job accumulator, number 407, Fig. 4, column 4, line 12) wherein, in the recording/accumulation unit, job log information determined by the determination unit to be accumulated is extracted and accumulated from pieces of acquired job log information (column 4, lines 9-14), and grasp of the number of output pages or charging of an output job is performed (notice the column which reads "Pages Printed", in Fig. 13).

Regarding claims 2, 22, and 26, Minari' 831 teaches an information processing server (number 1704, Fig. 17, column 9, lines 38-39) which records or accumulates job log information on a job issued to an image forming apparatus from an information processing client (number 1701, Fig. 17) connected to a network (number 1705, Fig. 17), comprising:

an acquisition unit (number 402, Fig. 4,) configured to acquire means for acquiring the job log information from the information processing client or the image forming apparatus (print job receiver receives a print job object from host computer, column 3, lines 66-67);

a port information acquisition unit (number 407/408, Fig. 4) configured to acquire port information ("origin of request" and "request address" column 4, line 34) from the job log information acquired from the acquisition unit (S1001, Fig. 10);

a determination unit (number 403, Fig. 4) configured to determine whether to record the job log information acquired by said acquisition unit (S1002 it determines whether or not the print job attributes match the attributes of the printer, column 6, lines 25-30), in accordance with the port information acquired from the port information acquisition unit("request address" column 4, line 34);

and a recording/accumulation unit configured to record or accumulate the job information determined by said determination unit to be recorded or accumulated (print job accumulator, number 407, Fig. 4, column 4, line 12) wherein, in the recording/accumulation unit, job log information determined by the determination unit to be accumulated is extracted and accumulated from pieces of acquired job log

information, and grasp of the number of output pages or charging of an output job is performed (notice the column which reads "Pages Printed", in Fig.13).

Regarding claim 4, Minari'831 teaches wherein the image forming apparatus to which the job log information has been issued is specified in accordance with the port information contained in the job log information acquired by the port information acquisition step (S902, Fig. 9, and further, the URL address of the printer is contained in the job log information, column 3, line 42).

Regarding claims 7 and 14, Minari' 831 teaches wherein in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the job information (print job attributes, number 601, column 4, lines 43-45) acquired in the acquisition step coincides with a condition contained in a non-recording target database prepared in advance (printer attribute section, number 408, Fig. 4, column 4, lines 11-15).

Regarding claim 9, Minari'831 teaches the non-recording target database contains non-recording driver information not to be recorded or accumulated (column 4, lines 11-15), and wherein, in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the driver information acquired from the job log information acquired in the acquisition step is the non-recording driver information (S1002, Fig. 10, further column 5, lines 1-15).

Regarding claims 10 and 17, Minari'831 teaches a registration step of registering (stores, column 4, line 13) in the non-recording target database a condition of job log information not to be recorded or accumulated (column 4, lines 11-15).

Regarding claims 11 and 18,'Minari'831 teaches wherein in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the job log information acquired in the acquisition step coincides with a condition contained in a recording database prepared in advance (S 1002, Fig. 10).

Regarding claims 12 and 19, Minari'831 teaches wherein in the recording/accumulation step, the job log information determined in the determination step to be recorded is recorded in a database in a searchable format (print job accumulator stores the print job object, column 4, lines 10-11, further Fig. 13).

Regarding claim 15, Minari'831 teaches the non-recording target database contains non-recording port information not to be recorded or accumulated (column 4, lines 11-15)), and in the determination step, whether to record or accumulate the job log information is determined on the basis of whether port information contained in the job log information acquired in the acquisition step is the non-recording port information (S 1002, Fig. 10).

Regarding claim 27, Minari'831 teaches an information processing method (Fig. 10) of recording or accumulating job log information on a job issued from an information processing apparatus (101/102, Fig. 1) connectable to an image forming apparatus (107,108 Fig. 1), comprising:

an acquisition step of acquiring the job log information from the information processing apparatus or the image forming apparatus (S901, Fig. 9);

an output destination determination step (S1001, Fig. 10) of determining whether the output destination of the job ("request address" column 4, line 34) corresponding to the job log information (print job object, Fig. 5) is the information processing apparatus or the image forming apparatus (S1007, Fig. 10) and a determination step of determining whether to record or accumulate the job log information acquired in the acquisition step, in accordance with the result of determination in the output destination determination step (S1002 Fig. 10, further it determines whether or not the print job attributes match the attributes of the printer, column 6, lines 25-30)

wherein, in the recording/accumulation step, job log information determined in the determination step to be accumulated is extracted and accumulated from pieces of acquired job log information (column 4, lines 9-14), and grasp of the number of output pages or charging of an output job is performed (notice the column which reads "Pages Printed", in Fig. 13)..

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2625

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

LEW  
September 4, 2008